UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,462	01/28/2004	Masahiko Nagai	JP920020225US1	3166

53493 7590 11/27/2007

LENOVO (US) IP Law
1009 Think Place
Building One, 4th Floor 4B6
Morrisville, NC 27560

EXAMINER	
SITTA, GRANT	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
11/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/766,462	NAGAI, MASAHIKO	
	Examiner	Art Unit	
	Grant D. Sitta	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 January 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/28/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the light source, photoelectric device and light shield of claim 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 14 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to the examiner which "steps" the applicant is referring to in referenced claims 10 and 11.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bilotti et al (6,622,012) hereinafter Bilotti, in view of Masashi (JP 10-197614) hereinafter, Masahi.

4. In regards to claim 1, Bilotti discloses the limitations of first and second members (fig. 1 top and bottom of laptop) movable (fig. 1 (16)) one relative to the other; an element mounted (fig. 1(18)) in one of said members which initiates an action in the apparatus (col. 3, lines 30-45); a detector (fig. 1 (20)) mounted in the other of said members which responds to the proximity (col. 3, lines 38-52)of and detects the intensity of interaction with said element, (col. 3, lines 18-67) said element and said detector; said inhibitor (Masahi), said element, and said detector cooperating in determining the physical proximity (col. 4, lines 10-37) of said members one relative to the other and enabling an effective intensity of interaction between (col. 4, lines 1-37) said element and said detector when said members are in close proximity one to the other (col. 4, lines 1-37).

Bilotti differs from the claimed invention in that Bilotti does not disclose a inhibitor mounted in said one of said members which selectively inhibits the intensity of interaction between said element and said detector;

However, Masahi teaches a system and method for a inhibitor mounted in said one of said members which selectively inhibits the intensity [0014-0017] of interaction between said element and said detector; said inhibitor, ([0014--0022]

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Bilotti to include the use of the inhibitor as taught by

Masahi in order to test a magnetic circuit because magnetic because magnetic fields are easily changed (0005-0007).

5. In regards to claim 8, Bilotti teaches a portable computer system body having a keyboard therein; a portable computer system (col. 3, lines 18-30) lid having a display therein (fig. 1 (14)); a coupling joining (fig. 1 (16)) said body and said lid together for movement thereof one relative to the other between open and closed positions (col. ,3, lines 18-67); and a proximity detection subsystem which determines (fig. 1 (18, 20 and 22)) whether said body and said lid are in the closed position (col. 4, lines 1-37), said subsystem comprising: an element mounted in one of said body (fig. 1 (20)) and said lid (fig. 1 (14)) which initiates an action in the apparatus (col. 4, lines 1-28); a detector mounted in the other of said body (fig. 1 (18)) and said lid which responds to the proximity of and detects the intensity of interaction with said element (col. 4, lines 1-37, "Hall effect device").

Masahi teaches a inhibitor [[0014-0017] mounted in said one of said body and said lid which selectively inhibits the intensity of interaction between said element and said detector; said inhibitor, said element and said detector cooperating in determining the physical proximity of said body and said lid one relative [0019] to the other and enabling an effective intensity of interaction between said element and said detector when said body and said lid are in the closed position one to the other [0021-0025].

6. In regards to claim 10, Billotti teaches detecting the physical proximity of two members (col. 4, lines 1-37) coupled for movement one relative to the other and determining the appropriateness detecting reception of a signal interaction normally indicative of initiation of a system operation (fig. 1 (18, 20 and 22);

Masahi teaches selectively inhibiting response to the detected reception; and of initiating the system operation from close proximity of the members [0013-0018].

7. In regards to claim 11, Billotti teaches monitoring the output of a detector mounted (fig. 18, 20 and 22) in one of two members (fig. 1 (14 and 12)) coupled for movement one relative to the other (fig. 1 (16)); detecting an output normally indicative of initiation of a system operation (col. 4, lines 1-37); and detecting the physical proximity (col. 4, lines 10-15) of the members and determining the appropriateness of initiating the system operation from close proximity of the members (col. 4, lines 1-37).

Masahi teaches selectively inhibiting response to the detected reception [0004 and 0013-0018].

8. In regards to claim 2, Billotti teaches wherein said element is free of any necessity of application of an external source of power (fig. 1 (18)) col. 3, lines 40 "magnet").

9. In regards to claim 3, Billotti teaches wherein said detector responds to one of an electromagnetic wave, an electric field, a magnetic field, corpuscular radiation, and an acoustic wave (fig. 1 (20) col. 3-4, lines 63-9).

10. In regards to claim 4, Billotti teaches wherein said element is a magnet (fig. 1 (18) and col. 3, line 40), said detector is a Hall effect switch (col. 4, lines 23-37) responsive to imposition of a magnetic field (col. 4, lines 23-37), and

Masahi said inhibitor is a coil generating a magnetic field opposing the field of said magnet [0009].

11. In regards to claim 5, Billotti teaches wherein said element is a light source, said detector is a photoelectric device, and said inhibitor (Masahi) is a light shield. (col. 2, lines 5-62).

Examiner notes it would have been obvious to replace the magnetic assembly with a photoelectric assembly. Because the two assemblies are functionally equivalent and it would be immaterial whether the detection means

(sensor) is checking for magnetic or photoelectric elements as longs as the assembly comprises all the same elements.

12. In regards to claim 6, Billotti teaches wherein one of said members is the lid of a portable computer system having a display therein and the other of said members is the body of a portable computer system having a keyboard therein (col. 3, lines 29-30).

13. In regards to claim 7, Masahi teaches wherein said inhibitor is responsive to a coded driving signal and further wherein said inhibitor, said element and said detector cooperate in determining the physical proximity of said members one relative to the other by detection of the coded driving signal [0011].

14. In regards to claim 9, Billotti teaches wherein said element is a magnet (fig. 1 (18) and col. 3, line 40), said detector is a Hall effect switch (col. 4, lines 23-37) responsive to imposition of a magnetic field (col. 4, lines 23-37), and

Masahi said inhibitor is a coil generating a magnetic field opposing the field of said magnet [0009] further comprising a microprocessor operatively connected to control excitation of said coil ([0011 "digital disposal circuit").

15. In regards to claim 12, Billotti teaches wherein the selective inhibition (Masahi teaches the inhabitation) of response occurs in response to detection that the members are withdrawn one from the other (col. 4, lines 10-37).

16. In regards to claim 13, Billotti teaches wherein selective inhibition (Masahi teaches the inhabitation) of response is discontinued in response to detection that the members are in close proximity one to the other (col. 4, lines 10-37).

17. In regards to claim 14, Billotti teaches a computer readable medium and code stored on the medium which is effective when executing in a computer system to cause the system to perform the steps of one of claim 10. (col. 4, lines 10-37).

18. In regards to claim 15, Billotti teaches a computer readable medium and code stored on the medium which is effective when executing in a computer system to cause the system to perform the steps of one of claim 11 (col. 4, lines 10-37).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grant D. Sitta whose telephone number is 571-270-1542. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571-272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Grant D. Sitta
November 19, 2007

AMARE MENGISTU
SUPERVISORY PATENT EXAMINER